



09/446, 808

UNITED STATES DEPARTMENT OF COMMERCE  
 Patent and Trademark Office 13  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 BOX PCT  
 Washington, D.C. 20231

US APPLICATION NO 96, 808

K1\_FILED PURSUANT TO APPLICANT

J ATTY. DOCKET NO 121-115

STEVEN J HULTQUIST  
 INTELLECTUAL PROPERTY TECHNOLOGY LAW  
 PO BOX 14329  
 RESEARCH TRIANGLE PARK NC 27709

561.1

INTERNATIONAL APPLICATION NO 93/01747

I.A. FILING DATE	PRIORITY DATE
06/24/97	06/24/97

10/06/00

DATE MAILED:

### NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as  
 a Designated Office (37 CFR 1.494),  an Elected Office (37 CFR 1.495), has made the following determination:

1.  Applicant's letter of express abandonment received \_\_\_\_\_ is in compliance with 37 CFR 1.138 and is hereby acknowledged.
2.  Applicant has failed to provide the full U. S. Basic National Fee by  20 months (37 CFR 1.494 (b)(2)),  30 months (37 CFR 1.495 (b)(2)).
3.  Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 23 Feb 2001 within the time period set therein.
4.  Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed \_\_\_\_\_ within the time period set therein. See the attached NOTIFICATION OF A DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
5.  Other:

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.494,  1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

*Anita Johnson*  
 Telephone: (703) 305-3661

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

23448

PATENT TRADEMARK OFFICE

In re United States Patent Application of: )  
 Applicant: KÜPPER, et al. )  
 Application No: 09/446,808 )  
 No: )  
 Date Filed: 23 December 1999 )  
 Title: MAMMAL WITH INHIBITION OF THE )  
 POLY (ADP RIBOSE) POLYMERASE )  
 AND METHOD FOR USING SAME TO )  
 IDENTIFY CANCERIGENIC AGENTS )

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

EXPRESS MAIL CERTIFICATE

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified below, in an Express Mail envelope addressed to the Commissioner for Patents, Box PCT, Washington, DC 20231, and First Class Mailed under the provisions of 37 CFR 1.10.

Lee Ann Brown

July 21, 2000

Date of Mailing

EL569017035US

Express Mail Certificate

**RECEIVED**  
 01 NOV 2000  
 Legal Staff  
 International Division

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**SUBMISSION OF DECLARATION AND POWER OF ATTORNEY AND ASSIGNMENT IN  
 RESPONSE TO FEBRUARY 23, 2000 NOTIFICATION OF MISSING REQUIREMENTS  
 UNDER 35 U.S.C. 371 IN U.S. PATENT APPLICATION NO. 09/446,808**

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Commissioner for Patents  
 Box Assignments  
 Washington, D.C. 20231

Sir:

In response to the February 23, 2000 Notification of Missing Requirements, enclosed and submitted herewith are the following executed documents: Declaration and Power of Attorney and Assignment.

A check in the amount of \$720.00 is enclosed, including the \$40.00 assignment recordation fee for the enclosed Assignment document in favor of Deutsches Krebsforschungszentrum Stiftung Des Öffentlichen Rechts, and the \$680.00 surcharge for delayed filing of the oath or declaration. Please

charge any deficiency in payment and credit any excess payment to Deposit Account No. 08-3284 of Intellectual Property/Technology Law.

Respectfully submitted,



Steven J. Hultquist  
Registration No. 28,021  
Attorney for Applicants

**INTELLECTUAL PROPERTY/  
TECHNOLOGY LAW**  
P.O. Box 14329  
Research Triangle Park, NC 27709  
Tel: (919) 419-9350  
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Attorney Ref.: 4121-115

**"FEE ADDRESS" INDICATION FORM**

Address to:  
 Assistant Commissioner for Patents  
 Box M Fee  
 Washington, D.C. 20231

<input checked="" type="checkbox"/> Firm or Individual Name	BTG International Limited Customer Number 24461		
Address	10 Fleet Place		
Address	Limeburner Lane		
City	LONDON	ZIP	EC4M 7SB
Country	United Kingdom		
Telephone	+44(0)020-7575-0000	Fax	+44(0)020-7571-8799

in the following listed application(s) for which the Issue Fee has been paid or patent(s).

PATENT NUMBER (if known)	APPLICATION NUMBER
5631009	08/211033✓

(check one)

- Applicant/Inventor
- Assignee of record of the entire interest
- Attorney or agent of record \_\_\_\_\_ (Reg. No.)
- Assignment recorded at Reel \_\_\_\_\_ Frame \_\_\_\_\_

Signature

C J Nicholls

Typed or printed name

+44(0)020-7575 -1582

Customer's telephone number

16 October 2000

Date

\*\*\*\*\*  
\*\*\* RX REPORT \*\*\*  
\*\*\*\*\*

RECEPTION OK

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RESULT	OK

4121-115

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re United States Patent Application of: )  
Applicant: KÜPPER, et al. )  
Application No: 09/446,808 )  
No: )  
Date Filed: 23 December 1999 )  
Title: MAMMAL WITH INHIBITION OF THE )  
POLY (ADP RIBOSE) POLYMERASE )  
AND METHOD FOR USING SAME TO )  
IDENTIFY CANCERIGENIC AGENTS )  
Examiner: Not Yet Assigned  
Group Art Unit: Not Yet Assigned

#5

**RECEIVED**  
NOV 2000

**FAX FILING CERTIFICATE**

I hereby certify that I am transmitting the attached documents to the Commissioner for Patents on October 26, 2000, by facsimile transmission addressed to the Commissioner for Patents, Box PCT, Washington, DC 20231, Attention: Anita Johnson, and sent to USPTO facsimile number (703) 305-3230.

Steven J. Hultquist

**URGENT - PLEASE IMMEDIATELY HAND DELIVER TO ANITA JOHNSON  
(TELEPHONE 305-3661); TOTAL NO. OF PAGES: 13**

**REQUEST FOR WITHDRAWAL OF ERRONEOUS ISSUE OF NOTIFICATION OF  
ABANDONMENT, BASED ON TIMELY FILING OF RESPONSE TO FEBRUARY 23, 2000  
NOTIFICATION OF MISSING REQUIREMENTS IN U.S. PATENT APPLICATION NO.**

09/446,808

**Commissioner for Patents  
BOX PCT  
Washington, D.C. 20231**

Sir:

In response to the October 6, 2000 Notification of Abandonment erroneously issued in U.S. Patent Application No. 09/446,808, and consistent with the teleconference between the undersigned attorney and Anita Johnson on October 26, 2000 in resolution thereof, enclosed herewith are copies of all documents filed in the U.S. Patent and Trademark Office on July 21, 2000 in response to the February 23, 2000 Notification of Missing Requirements, including:

- the return postcard, stamped by the USPTO with the legend, “RECEIVED 2000 JL 21 AM 9:39 OPR/FINANCE”;

- the Express Mail label (EL569017035US) bearing the hand-written date 7 21 00 as well as the stamp of the U.S. Postal Service, Chapel Hill, NC including the date "JUL 21 2000";
- the Submission of the Declaration and Power of Attorney and Assignment, bearing the Express Mail Certificate and Express Mail label number EL569017035US, and referring to the enclosed check for \$720, including the \$40 assignment recordation fee and the \$680 surcharge for delayed filing of the oath or declaration;
- the Declaration and Power of Attorney, Assignment, Assignment Recordation Cover Sheet and the Small Entity Statement enclosed with the Submission; and
- the undersigned attorney's firm's check (no. 07182) in the amount of \$720, bearing the memo "4121-115/RECORD & EXT. TIME FE" denoting the assignment recordation fee and the extension of time (37 CFR 1.136) fee.

Also enclosed for completeness is the Notification of Abandonment (FORM PCT/DO/EO/909) dated October 6, 2000.

It is certified by the undersigned attorney that each and every one of the enclosed documents is a true and exact copy of the original in the undersigned attorney's file, and that all documents were Express Mail filed in the U.S. Patent and Trademark Office on July 21, 2000.

This request for withdrawal of the Notice of Abandonment is submitted via facsimile consistent with the instructions of Anita Johnson on October 26, 2000, who stated that these documents would be processed for withdrawal of the Notice of Abandonment.

Respectfully submitted,



Steven J. Hultquist  
Registration No. 28,021  
Attorney for Applicants

INTELLECTUAL PROPERTY/  
TECHNOLOGY LAW  
P.O. Box 14329  
Research Triangle Park, NC 27709  
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Attorney Ref.: 4121-115

**This confirms receipt of:**

**Submission of Declaration and Power of Attorney and Assignment in response to  
February 23, 2000 Notification of Missing Requirements and IPTL Check No. 02182 in  
the amount of \$720.00.**

In re U.S. Patent Appl. of: KUPPER et al.  
Application No.: 09/446,808  
Date Filed: 23 December 1999  
Title: MAMMAL WITH INHIBITION OF THE POLY (ADP  
RIBOSE) POLYMERASE AND METHOD FOR USING  
SAME TO IDENTIFY CANCERIGENIC AGENTS  
Date Mailed: July 21, 2000  
Express Mail Label: EL569017035US  
Attorney Ref: 4121-115

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